

INFORMATION AND DOCUMENT REQUESTS

1. Former Environmental Protection Agency (EPA) Administrator Jackson has testified that the agency has no intent to pursue a cap-and-trade program to regulate greenhouse gas (GHG) emissions. On August 3, 2011, Assistant Administrator Gina McCarthy also wrote the Committee and provided a response that stated: “Administrator Jackson and Assistant Administrator Gina McCarthy have stated publicly that the agency has no intention of pursuing a cap-and-trade program for GHGs under the Clean Air Act. The agency reaffirms those statements here.”
 - a. Has the agency’s position changed? If yes, please explain.
 - b. Can you confirm that EPA is not working on potential regulations to establish a cap-and-trade program to regulate GHG emissions?
 - c. Can you confirm that the agency will not pursue a cap-and-trade program to regulate GHG emissions during the President’s second term?
 - d. Can you confirm that the agency will not pursue other market-based programs to regulate GHG emissions during the President’s second term?
2. Attached is a chart that lists over 2,900 pages of GHG regulations issued or proposed by EPA in the Federal Register since January 2009. The chart includes 68 rules, ranging from the Endangerment Finding, to 3 rules setting GHG standards for cars and trucks, 1 rule proposing GHG standards for new power plants, 34 rules establishing and implementing GHG permitting implementation requirements, and 29 rules relating to GHG reporting. The chart also includes over 500 pages of GHG guidance and white papers relating to specific sectors.
 - a. Are there additional GHG regulations or guidance documents issued by EPA that are not listed in the chart? If yes, please identify each such regulation or guidance document.
 - b. What additional GHG regulations or guidance documents are currently being developed by EPA? Please identify each such regulation or guidance document.
 - c. Please identify all provisions of the Clean Air Act that EPA is considering as the basis for any future GHG regulations.
3. At EPA, how many petitions to regulate GHG emissions are currently before the agency? Please list and provide copies of all such petitions. If EPA has already taken action on the petitions, please indicate the action taken and the current status.
4. Is EPA staff engaged in discussions with any States or non-governmental organizations about potential timelines for the agency to take action on pending petitions to regulate GHG emissions, or possible regulatory approaches to such regulations? If yes, please

identify the States or organizations, and describe the timelines and analytical approaches under discussion.

5. In December 2010, EPA announced it had entered into settlements to issue GHG New Source Performance Standards (NSPS) for power plants and refineries.
 - a. EPA has proposed GHG standards for *new* power plants. Does EPA plan to finalize those standards? If yes, what is the current schedule?
 - b. Does EPA plan to propose GHG standards for *existing* power plants? If yes, what is the current schedule for proposing and finalizing those standards?
 - c. Does EPA plan to propose GHG standards for new or existing refineries? If yes, what is the current schedule for proposing and finalizing those standards?
6. EPA has proposed to set GHG NSPS standards that would apply to new coal-fired plants and that could only be achieved by installing carbon capture and storage (CCS) technology that has never been demonstrated on a commercial scale. Will EPA finalize standards for new coal-fired plants for which the only identified technology is CCS?
7. Section 111(d) of the Clean Air Act provides: “The Administrator shall prescribe regulations which shall establish a procedure similar to that provided by section 7410 of this title under which each State shall submit to the Administrator a plan which (A) establishes standards of performance for any existing source for any air pollutant (i) for which air quality criteria have not been issued or which is not included on a list published under section 7408(a) of this title or emitted from a source category which is regulated under section 7412 of this title but (ii) to which a standard of performance would apply . . .” 42 U.S.C. § 7411.
 - a. Given EPA has issued standards under section 112 (42 U.S.C. § 7412) to regulate existing power plants, what is the agency’s legal basis for concluding it can also set standards under section 111(d) for existing power plants?
 - b. Has EPA prepared an analysis of whether it had the authority to set standards under section 111(d) for existing plants? If yes, please State when it was prepared, and please provide a copy of the analysis or analyses that were prepared.
8. Can EPA provide any assurances that it will not propose GHG NSPS standards for existing coal-fired plants that can only be met by shutting down or operating less?
9. Recently, a “[2013 Car Affordability Study](#)” was published that concluded median-income households in 25 major cities in America could not, with the exception of households in Washington, D.C., afford the average cost of a new car or truck.

- a. Has EPA prepared any analyses of the impacts of its GHG car and truck rules on the affordability of vehicles for median-income or low-income households? If yes, please provide copies of all such analyses.
10. In addition to GHG standards for light-duty cars and trucks for Model Years 2012-2016 and Model Years 2017-2025, EPA has issued GHG standards for medium and heavy-duty trucks for Model Years 2014-2018.
 - a. Is EPA planning additional GHG standards for medium and heavy-duty trucks? If yes, what is the agency's current schedule for proposing and finalizing those standards?
 - b. Is EPA planning additional GHG emissions standards over the next four years for any other types of mobile sources? If yes, which mobile sources is EPA considering setting standards for and what is the agency's current schedule for proposing and finalizing those standards?
11. EPA has established GHG preconstruction and operating permitting requirements that apply to facilities that EPA projects are responsible for 70 percent of U.S. GHG emissions from stationary sources.
 - a. Is EPA considering lowering the thresholds to expand the number of facilities and projects subject to permitting requirements?
 - b. If yes, please describe the options currently being considered by the agency.
12. Assistant Administrator McCarthy recently is reported to have stated that "we now have a very successful [greenhouse gas] permitting program."
 - a. How many GHG Prevention of Significant Deterioration (PSD) permits have been issued by EPA or States since the program commenced? Please provide a list of the permits that have been issued.
 - b. For States in which EPA is the permitting authority for GHG PSD permits, how many permits have been issued and how many are pending consideration?
 - c. What is the range of time it takes EPA to process a GHG PSD permit application? Have all such applications submitted to EPA been processed within one year of submission of the application?
13. On June 29, 2012, Assistant Administrator Gina McCarthy testified that she could not rule out GHG NSPS standards for any of the approximately 70 types of sources regulated under the NSPS program.
 - a. Are all those sources potentially subject to GHG regulation?

- b. Can EPA rule out any of those sources as exempt from GHG regulation?
14. Press reports indicate EPA's Office of Compliance Assurance and Enforcement may undertake a compliance initiative in 2013 to enforce the agency's GHG regulations.
- a. Does EPA intend to proceed with such an enforcement initiative? If yes, please describe the nature and scope of the initiative.
 - b. Does EPA intend in any such enforcement initiative to target certain sectors? If yes, please identify the sectors.